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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,972	02/13/2002	Michael W. Johnson	IREA0008	8947
28875	7590	03/30/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 03/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/049,972

Applicant(s)

JOHNSON ET AL.

Examiner

Alicia Baturay

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-59.

Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/89/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

The examiner maintains the valid position set forth in the final action. The art reads upon the broad limitations set forth in the claims and argued by the applicant.

With respect to claim 52, Applicant is directed to *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice."). See MPEP § 2144.44. Because the Internet-ready device and the apparatus have the same functionality whether the apparatus is embedded in the Internet-ready device or not, the rejection stands.

With respect to claims 1 and 27, the examiner respectfully submits that Vaziri teaches a protocol handler block for receiving and handling messages from the user interface and from the Internet-ready device (the ISB connects to the ISP and then connects through ISP and Internet to SMTP server. The user can record a message and send it via the SMTP server to the recipient's e-mail address...if the recipient checks his e-mail on the POP server with a conventional email program such as Eudora, he will see such message[s] interspersed among conventional e-mail messages - see Vaziri, col. 17, line 57 - col. 18, line 33). Here, the messages are converted from phone messages to email messages that are capable of being received at the help desk computer.

Additionally, Vaziri teaches indicators to indicate to the said user that said passing of information that was initiated by the user is complete (status indicator LEDs...may be used to indicate the status of an Internet call attempt - see Vaziri, Fig. 3, elements 304, 306, 307 and 311; col. 11, lines 11-22).

Further, Vaziri teaches sending on the handled messages to a network stack block (the ISB stores server information...the server information includes the IP address for various servers which the ISB needs to access...the domain names or IP addresses for the SMTP and POP servers for e-mail...the SMTP server implements the simple mail transfer protocol (SMTP) for sending e-mail, while the POP server implements the post office protocol (POP) for receiving e-mail - see Vaziri, col. 13, 13-31). TCP/IP is discussed in col. 2, line 8. A network stack block is inherent in the TCP/IP protocol.

With respect to claim 11, Vaziri teaches set-top-boxes; Ethernet hubs; and hubs that are attached to new home networking standards (standalone adjunct device - see Vaziri, col. 3, lines 64-66).

With respect to claim 15, Vaziri teaches a pre-agreed upon algorithm that is used to generate a response (the ISB selects "PPP" from the ISP's logon menu...the ISB and the ISP then start communication by PPP and PAP (the password authentication protocol) is carried out if no authentication has been performed before - see Vaziri, col. 14, lines 55 - 66).

With respect to claim 16, Vaziri teaches preventing unauthorized Internet-ready devices from accessing a particular site (The ISB and the ISP perform any authentication procedure required...PAP (the password authentication protocol) is carried out if no authentication has been performed before - see Vaziri, col. 14, lines 55 - 66). It is inherent that if a user cannot be authenticated, then he or she is not authorized to access any site.